



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

April 17, 2018

The Honorable Michele Reagan
Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

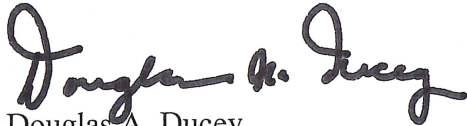
Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 2nd Regular Session, which I signed on April 17, 2018:

HB 2040 pharmacy board; definitions; reporting (Carter)
HB 2041 pharmacy board; licenses; permits (Carter)
HB 2065 public meetings; definition; penalties (Leach)
HB 2125 task force; towing safety (Shope)
HB 2126 government property; abatement; slum; blight (Leach)
HB 2249 protective orders; filing requirements (Farnsworth, E.)
HB 2250 physician assistants; prescribing authority; delegation (Carter)
HB 2257 radiation regulatory boards; repeal; DHS (Carter)
HB 2262 condominiums; termination; appraisals (Toma)
HB 2306 towing companies; insurance companies; owners (Campbell)
HB 2313 sentencing; monetary obligations; fine mitigation (Farnsworth, E.)
HB 2322 health insurers; provider credentialing (Carter)
HB 2327 federal officers; personal information; confidentiality (Farnsworth, E.)
HB 2334 liquor omnibus (Weninger)
HB 2411 health professionals; licensure; report (Mosley)
HB 2521 vehicle size, weight and load (John)
HB 2549 controlled substances; dosage limit (Carter)
HB 2550 contractor qualifications; work experience (Toma)
HB 2558 drug disposal; education (Cobb)
HB 2588 misrepresentation; service animals (Cook)

HB 2604 limited liability company act; revisions
SB 1065 commercial vehicles; ports of entry (Brophy McGee)
SB 1120 tax exemption; special events; nonprofits (Kavanagh)
SB 1152 education; appropriation; noncustodial federal monies (Allen, S.)
SB 1218 developmental homes; licensure; investigations (Brophy McGee)
SB 1264 gift cards; dormancy fee; prohibition (Yarbrough)
SB 1274 public monies; recovery; illegal payments (Petersen)
SB 1291 schools; pupil assessment data (Brophy McGee)
SB 1295 producer fees; insurance (Kavanagh)
SB 1400 aggravated DUI; sentence; county jail (Smith)
SB 1450 independent oversight committees; appointment; duties (Barto)

Sincerely,

A handwritten signature in black ink, reading "Douglas A. Ducey". The signature is fluid and cursive, with the first name "Douglas" being the most prominent.

Douglas A. Ducey
Governor
State of Arizona

cc: Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Senate Engrossed House Bill
FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 232
HOUSE BILL 2249

AN ACT

AMENDING SECTIONS 12-284, 12-1809, 12-1810, 13-3602 AND 13-3624, ARIZONA
REVISED STATUTES; RELATING TO PROTECTIVE ORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-284, Arizona Revised Statutes, is amended to
3 read:
4 12-284. Fees
5 A. Except as otherwise provided by law, the clerk of the superior
6 court shall receive fees classified as follows:

7 Class	Description	Fee
8 A	Initial case filing fee	
9	Tax case	\$ 166.00
10	Filing complaint, notice of appeal	
11	under section 12-904 or petition	166.00
12	Filing intervenor	166.00
13	Additional plaintiffs	166.00
14	Filing foreign judgment	166.00
15	Ownership of real property becomes an	
16	issue plaintiff	166.00
17	Appellant	
18	(except under sections 12-1809 and 13-3602)	166.00
19	Change of venue to this county	166.00
20	Petition for change of name	166.00
21	Filing a process server application	166.00
22 B	Subsequent case filing fee	
23	Filing answer, notice of appearance	
24	under section 12-907 or initial appearance	\$ 88.00
25	Additional defendants	88.00
26	Notice of appeal to appellate courts	
27	(except under section 12-2107)	88.00
28	Cross-appeal by appellee (except under section	
29	12-2107)	88.00
30	Ownership of real property becomes an	
31	issue defendant	88.00
32	Jurisdiction exceeded appellee	
33	(within 20 days of filing)	88.00
34	Response to show cause that does one or more	
35	of the following:	
36	1. Requests affirmative relief or	
37	counterrelief	
38	2. Attacks the sufficiency of process	
39	or the proceedings	
40	3. Takes other affirmative action	88.00
41 C	Initial case filing fee	
42	Filing petition for annulment	\$ 131.00
43	Filing for dissolution/legal separation petition	131.00
44	Petition in formal testacy or appointment	
45	proceeding	131.00

1	Application for informal probate or informal	
2	appointment	131.00
3	Petition for supervised administration petition	
4	to appoint guardian	131.00
5	Petition to appoint conservator or make other	
6	protective order	131.00
7	Opposing petition in testacy or appointment	
8	proceedings or appointment of guardian or	
9	conservator	131.00
10	Single estate application or petition under	
11	title 14, chapter 3, section 14-3938	131.00
12	Domestic relations case for which a fee is not	
13	specifically prescribed	131.00
14	D Subsequent case filing fee	
15	Filing answer to annulment	\$ 66.00
16	Filing for dissolution/legal separation answer	66.00
17	Any person opposing contested petition if no	
18	prior payment made	66.00
19	Postadjudication petitions in	
20	domestic relations cases	66.00
21	Postjudgment activities in probate cases	66.00
22	E Minimum clerk fee	
23	Filing power of attorney	\$ 26.00
24	Change of venue to another county transmittal	
25	fee	26.00
26	Change of venue to another county pursuant to	
27	section 12-404 transmittal fee	26.00
28	Filing transcript and docketing judgment from	
29	any courts	26.00
30	Issuance of writs of: attachment, execution,	
31	possession, restitution, prohibition and	
32	enforcement of order of judgment-garnishment	26.00
33	Certified copy or abstract of marriage	
34	application or license	26.00
35	Certificate of correctness of copy of record	26.00
36	Justice of peace certificate	26.00
37	Each certificate of clerk to any matter in	
38	clerk's record not specifically provided	26.00
39	Filing any paper or performing any act for which	
40	a fee is not specifically prescribed	26.00
41	Subpoena - (civil)	26.00
42	Research in locating a document (per year or	
43	source researched)	26.00
44	Exemplification (per certification)	26.00
45	Authentication (per certification)	26.00

1	Seal a court file	26.00
2	Reopen a sealed court file	26.00
3	Retrieve bank records	26.00
4	Reel of film alpha index per year (plus per	
5	page fee below)	26.00
6	Payment history report	26.00
7	Certification under one document certification	26.00
8	Civil traffic appeal	26.00
9	F Per page fee	
10	Making copies (on appeal and on request)	
11	per page	\$.50
12	Making extra copies per page	.50
13	Making photographic or photostatic copies	
14	per page	.50
15	Comparison fee of papers furnished by applicant	
16	per page	.50
17	Alpha index per page	.50
18	G Special fees	
19	Small claim tax case	\$ 22.00
20	Marriage license and return of a	
21	marriage license	72.00
22	Postage and handling	7.00
23	Notary services	7.00
24	Stop payment on check	14.00

25 B. The clerk of the superior court shall receive the fees
 26 prescribed in subsection A of this section for the following services:

27 1. Making copies of papers and records required to be made by the
 28 clerk on appeal, and copies of papers and records in the clerk's office
 29 made on request in other cases, for each legal size page of original.

30 2. Making extra copies of the papers and records mentioned in
 31 paragraph 1 of this subsection, required or requested for each page of
 32 copy of such papers and records.

33 3. In a clerk's office, in which a photographic or photostatic
 34 method of recording is used or is available for use in cooperation with
 35 other public offices, preparing copies enumerated in paragraphs 1 and 2 of
 36 this subsection for each page of copy or fraction of a page of copy.
 37 Portions of several pages of records may be combined in one page of copy.
 38 The clerk may prepare an abstract of marriage in lieu of a reproduction of
 39 the recorded marriage license. The fee shall apply to matters whether
 40 recorded in such office by longhand, typing, electronic, photographic or
 41 photostatic methods. The fees for copies are exclusive of the fees for
 42 certification or authentication.

43 4. Issuing a certificate as to official capacity of a justice of
 44 the peace and affixing a seal to the certificate.

1 5. Each subpoena issued in a civil proceeding or filing any paper
2 or performing any act for which a fee is not specifically prescribed by
3 law, but the clerk shall not charge for the clerk's services in
4 administering the oath in connection with any affidavit, petition, letters
5 or other pleading or document ~~which~~ THAT, after administration of the oath
6 ~~therefor~~, is promptly filed by the clerk and becomes a part of a case or
7 matter of record in the office of the clerk.

8 C. In addition to the fees required by subsection A of this
9 section, the clerk shall charge and collect a surcharge of fifteen dollars
10 for each filing of a postadjudication petition in a domestic relations
11 case for which a fee presently is charged under class D in subsection A of
12 this section. The surcharge shall be used exclusively to fund domestic
13 relations education and mediation programs established pursuant to section
14 25-413. Each month the clerk shall transmit the monies the clerk collects
15 pursuant to this subsection to the county treasurer for deposit in the
16 domestic relations education and mediation fund established by section
17 25-413.

18 D. Excluding the monies that are collected pursuant to subsection C
19 of this section, each month the clerk shall transmit seventy-five ~~per cent~~
20 PERCENT of the monies collected for subsequent case filing fees for
21 postadjudication petitions in domestic relations cases under class D in
22 subsection A of this section to the county treasurer for deposit in the
23 expedited child support and parenting time fund established pursuant to
24 section 25-412. The remaining twenty-five ~~per cent~~ PERCENT of the monies
25 collected pursuant to this subsection shall be distributed pursuant to
26 section 12-284.03.

27 E. At the commencement of each action for annulment, dissolution of
28 marriage, legal separation, maternity or paternity, the petitioner shall
29 pay to the clerk of the court the initial case filing fee for the action
30 provided in subsection A of this section. At the time of filing a
31 response, the respondent shall pay to the clerk of the court the
32 subsequent case filing fee for the action provided in subsection A of this
33 section. In each county where the superior court has established a
34 conciliation court, the petitioner and respondent shall each pay to the
35 clerk a sixty-five dollar fee. The monies from the additional fee shall
36 be used to carry out the purposes of the conciliation court pursuant to
37 title 25, chapter 3, article 7.

38 F. In garnishment matters:

39 1. A fee shall not be charged for filing an affidavit seeking only
40 the release of exempt wages.

41 2. A fee shall not be charged for filing a garnishee's answer, for
42 filing a judgment against the garnishee or for the issuance or return of
43 process incident to such a judgment.

44 3. For any contest relating to or any controversion of a
45 garnishment matter, unless the contesting party has paid an appearance fee

1 in that cause, the required appearance fee shall be paid, except that the
2 garnishee shall not pay a clerk's fee.

3 G. A person who is cited to appear and defend an order to show
4 cause shall not be charged an appearance fee. The person may stipulate to
5 or consent to the entry of an order without the payment of an appearance
6 fee. An appearance fee shall be paid if the person is present in person
7 or by an attorney and does one or more of the following:

- 8 1. Requests affirmative relief or counterrelief.
- 9 2. Attacks the sufficiency of process or the proceedings.
- 10 3. Takes other affirmative action.

11 H. A petitioner shall not be charged a fee for requesting an order
12 of protection pursuant to section 13-3602 or an injunction against
13 harassment pursuant to section 12-1809. A defendant shall not be charged
14 an answer fee in an order of protection action if the defendant requests a
15 hearing pursuant to section 13-3602, subsection ~~F~~ L or in an injunction
16 against harassment action if the defendant requests a hearing pursuant to
17 section 12-1809, subsection H.

18 I. A person who files a registrar's order pursuant to section
19 32-1166.06 shall not be charged a fee.

20 J. The clerk of the court shall charge and collect a forty-six
21 dollar filing fee for a petition for emancipation of a minor filed
22 pursuant to chapter 15 of this title. Each month the clerk shall transmit
23 the monies the clerk collects pursuant to this subsection to the county
24 treasurer for deposit in the emancipation administrative costs fund
25 established by section 12-2456.

26 K. Except for monies that are collected pursuant to subsections C,
27 D, E and J of this section, the clerk of the superior court shall transmit
28 monthly to the county treasurer all monies collected pursuant to this
29 section for distribution or deposit pursuant to section 12-284.03.

30 L. The supreme court may increase the fees prescribed in subsection
31 A of this section in an amount not to exceed the ~~per cent~~ PERCENT of
32 change in the average consumer price index as published by the United
33 States department of labor, bureau of labor statistics between that figure
34 for the latest calendar year and the calendar year in which the last fee
35 increase occurred.

36 Sec. 2. Section 12-1809, Arizona Revised Statutes, is amended to
37 read:

38 12-1809. Injunction against harassment; petition; venue;
39 fees; notices; enforcement; definition

40 A. A person may file a verified petition with a magistrate, justice
41 of the peace or superior court judge for an injunction prohibiting
42 harassment. If the person is a minor, the parent, legal guardian or
43 person who has legal custody of the minor shall file the petition unless
44 the court determines otherwise. The petition shall name the parent,
45 guardian or custodian as the plaintiff, and the minor is a specifically

1 designated person for the purposes of subsection F of this section. If a
2 person is either temporarily or permanently unable to request an
3 injunction, a third party may request an injunction on behalf of the
4 plaintiff. After the request, the judicial officer shall determine if the
5 third party is an appropriate requesting party for the
6 plaintiff. Notwithstanding the location of the plaintiff or defendant,
7 any court in this state may issue or enforce an injunction against
8 harassment.

9 B. An injunction against harassment shall not be granted:

10 1. Unless the party who requests the injunction files a written
11 verified petition for injunction.

12 2. Against a person who is less than twelve years of age unless the
13 injunction is granted by the juvenile division of the superior court.

14 3. Against more than one defendant.

15 C. The petition shall state all of the following:

16 1. The name of the plaintiff. The plaintiff's address AND CONTACT
17 INFORMATION shall be disclosed to the court for purposes of service AND
18 NOTIFICATION. ~~If the address of the plaintiff is unknown to the~~
19 ~~defendant, the plaintiff may request that the address be protected. On~~
20 ~~the plaintiff's request, The address AND CONTACT INFORMATION shall not be~~
21 ~~listed on the petition. Whether OR NOT the court issues an injunction~~
22 ~~against harassment, the protected PLAINTIFF'S address AND CONTACT~~
23 ~~INFORMATION shall be maintained in a separate document or automated~~
24 ~~database and is not subject to release or disclosure by the court or any~~
25 ~~form of public access except as ordered by the court.~~

26 2. The name and address, if known, of the defendant.

27 3. A specific statement showing events and dates of the acts
28 constituting the alleged harassment.

29 4. The name of the court in which there was or is any prior or
30 pending proceeding or order concerning the conduct that is sought to be
31 restrained.

32 5. The relief requested.

33 D. A fee shall not be charged for filing a petition under this
34 section. Fees for service of process may be deferred or waived under any
35 rule or law applicable to civil actions, except that fees for service of
36 process shall not be charged if the petition arises out of a dating
37 relationship. The court shall advise a plaintiff that the plaintiff may
38 be eligible for the deferral or waiver of these fees at the time the
39 plaintiff files a petition. The court shall not require the ~~petitioner~~
40 PLAINTIFF to perform community restitution as a condition of the waiver or
41 deferral of fees for service of process. A law enforcement agency or
42 constable shall not require the advance payment of fees for service of
43 process of injunctions against harassment. If the court does not waive
44 the fees, the serving agency may assess the actual fees against the
45 plaintiff. On request of the plaintiff, an injunction against harassment

1 that is issued by a municipal court may be served by the police agency for
2 that city if the defendant can be served within the city. If the
3 defendant cannot be served within the city, the police agency in the city
4 in which the defendant can be served may serve the injunction. On request
5 of the plaintiff, each injunction against harassment that is issued by a
6 justice of the peace shall be served by the constable for that
7 jurisdiction if the defendant can be served within the jurisdiction. If
8 the defendant cannot be served within that jurisdiction, the constable in
9 the jurisdiction in which the defendant can be served shall serve the
10 injunction. On request of the plaintiff, an injunction against harassment
11 that is issued by a superior court judge or commissioner may be served by
12 the sheriff of the county. If the defendant cannot be served within that
13 jurisdiction, the sheriff in the jurisdiction in which the defendant can
14 be served may serve the order. The court shall provide, without charge,
15 forms for purposes of this section for assisting parties without counsel.

16 E. The court shall review the petition, any other pleadings on file
17 and any evidence offered by the plaintiff, including any evidence of
18 harassment by electronic contact or communication, to determine whether
19 the injunction requested should issue without a further hearing. Rules
20 65(a)(1) and 65(e) of the Arizona rules of civil procedure do not apply to
21 injunctions that are requested pursuant to this section. If the court
22 finds reasonable evidence of harassment of the plaintiff by the defendant
23 during the year preceding the filing of the petition or that good cause
24 exists to believe that great or irreparable harm would result to the
25 plaintiff if the injunction is not granted before the defendant or the
26 defendant's attorney can be heard in opposition and the court finds
27 specific facts attesting to the plaintiff's efforts to give notice to the
28 defendant or reasons supporting the plaintiff's claim that notice should
29 not be given, the court shall issue an injunction as provided ~~for~~ in
30 subsection F of this section. If the court denies the requested relief,
31 it may schedule a further hearing within ten days with reasonable notice
32 to the defendant. For the purposes of determining the one year period,
33 any time that the defendant has been incarcerated or out of this state
34 shall not be counted.

35 F. If the court issues an injunction, the court may do any of the
36 following:

37 1. Enjoin the defendant from committing a violation of one or more
38 acts of harassment.

39 2. Restrain the defendant from contacting the plaintiff or other
40 specifically designated persons and from coming near the residence, place
41 of employment or school of the plaintiff or other specifically designated
42 locations or persons.

43 3. Grant relief necessary for the protection of the alleged victim
44 and other specifically designated persons proper under the circumstances.

1 G. The court shall not grant a mutual injunction against
2 harassment. If opposing parties separately file verified petitions for an
3 injunction against harassment, the courts after consultation between the
4 judicial officers involved may consolidate the petitions of the opposing
5 parties for hearing. This does not prohibit a court from issuing cross
6 injunctions against harassment.

7 H. At any time during the period during which the injunction is in
8 effect, the defendant is entitled to one hearing on written request. No
9 fee may be charged for requesting a hearing. A hearing that is requested
10 by a defendant shall be held within ten days from the date requested
11 unless the court finds compelling reasons to continue the hearing. The
12 hearing shall be held at the earliest possible time. An ex parte
13 injunction that is issued under this section shall state on its face that
14 the defendant is entitled to a hearing on written request and shall
15 include the name and address of the judicial office where the request may
16 be filed. After the hearing, the court may modify, quash or continue the
17 injunction.

18 I. The injunction shall include the following statement:

19 Warning

20 This is an official court order. If you disobey this
21 order, you may be arrested and prosecuted for the crime of
22 interfering with judicial proceedings and any other crime you
23 may have committed in disobeying this order.

24 J. ~~A copy of the petition and the injunction shall be served on the~~
25 ~~defendant within one year from the date the injunction is signed. An~~
26 ~~injunction that is not served on the defendant within one year AFTER THE~~
27 ~~DATE THAT THE INJUNCTION IS ISSUED expires. The injunction is effective~~
28 ~~on the defendant on service of a copy of the injunction and petition and~~
29 ~~expires one year after service on the defendant. A modified injunction is~~
30 ~~effective upon service and expires one year after service of the initial~~
31 ~~injunction and petition.~~

32 K. A supplemental information form that is ~~utilized by the court or~~
33 ~~a law enforcement agency~~ USED solely for the purposes of service of
34 process on the defendant and that contains information provided by the
35 plaintiff is confidential.

36 L. Each affidavit, DECLARATION, acceptance or return of service
37 shall be ~~promptly~~ filed AS SOON AS PRACTICABLE BUT NOT LATER THAN
38 SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, with the clerk of the
39 issuing court OR AS OTHERWISE REQUIRED BY COURT RULE. This filing shall
40 be completed in person, ~~shall be made ELECTRONICALLY OR by fax or shall be~~
41 ~~postmarked, if sent by mail, no later than the end of the seventh court~~
42 ~~business day after the date of service. If the filing is made by fax, the~~
43 ~~original affidavit, acceptance or return of service shall be promptly~~
44 ~~filed with the court. Within twenty-four hours after the affidavit,~~
45 DECLARATION, acceptance or return of service has been filed, excluding

weekends and holidays, the court from which the injunction or any modified injunction was issued ~~shall forward to the sheriff of the county in which the court is located a copy of the injunction and a copy of the affidavit or certificate of service of process or acceptance of service.~~ On receiving these copies, the sheriff shall register the injunction WITH THE NATIONAL CRIME INFORMATION CENTER. ~~Registration of an injunction means that a copy of the injunction and a copy of the affidavit or certificate of service of process or acceptance of service have been received by the sheriff's office.~~ The sheriff SUPREME COURT shall maintain a central repository for injunctions so that the existence and validity of the injunctions can be easily verified. The effectiveness of an injunction does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an injunction, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the injunction on the defendant.

M. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an injunction that is issued pursuant to this section, whether or not the violation occurred in the presence of the officer. The provisions for release under section 13-3903 do not apply to an arrest made pursuant to this subsection. A person who is arrested pursuant to this subsection may be released from custody in accordance with the Arizona rules of criminal procedure or any other applicable statute. An order for release, with or without an appearance bond, shall include pretrial release conditions that are necessary to provide for the protection of the alleged victim and other specifically designated persons and may provide for additional conditions that the court deems appropriate, including participation in any counseling programs available to the defendant.

N. If a peace officer responds to a call alleging that harassment has been or may be committed, the officer shall inform in writing any alleged or potential victim of the procedures and resources available for the protection of the victim including:

1. An injunction pursuant to this section.
2. The emergency telephone number for the local police agency.
3. Telephone numbers for emergency services in the local community.
0. The remedies provided in this section for enforcement of the

orders of the court are in addition to any other civil and criminal remedies available. The municipal court and the justice court may hear and decide all matters arising pursuant to this section. After a hearing with notice to the affected party, the court may enter an order requiring any party to pay the costs of the action, including reasonable attorney fees, if any. An order that is entered by a justice court or municipal court after a hearing pursuant to this section may be appealed to the superior court as provided in title 22, chapter 2, article 4, section

22-425, subsection B and the superior court rules of civil appellate procedure without regard to an amount in controversy. No fee may be charged to either party for filing an appeal.

P. A peace officer who makes an arrest pursuant to this section is not civilly or criminally liable for the arrest if the officer acts on probable cause and without malice. A peace officer is not civilly liable for noncompliance with subsection ~~M~~ N of this section.

Q. This section does not apply to preliminary injunctions issued pursuant to an action for dissolution of marriage or legal separation or for protective orders against domestic violence.

R. In addition to the persons who are authorized to serve process pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a correctional officer as defined in section 41-1661 who is acting in the officer's official capacity may serve an injunction against harassment that is issued pursuant to this section.

S. For the purposes of this section, "harassment" means a series of acts over any period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose. Harassment includes unlawful picketing, trespassory assembly, unlawful mass assembly, concerted interference with lawful exercise of business activity and engaging in a secondary boycott as defined in section 23-1321 and defamation in violation of section 23-1325.

Sec. 3. Section 12-1810, Arizona Revised Statutes, is amended to read:

12-1810. Injunction against workplace harassment; definitions

A. An employer or an authorized agent of an employer may file a written verified petition with a magistrate, justice of the peace or superior court judge for an injunction prohibiting workplace harassment.

B. The court shall not grant an injunction against workplace harassment against either:

1. A person who is under twelve years of age unless the injunction is granted by the juvenile division of the superior court.

2. More than one defendant.

C. The petition shall state all of the following:

1. The name of the employer.

2. The name and address, if known, of the defendant.

3. A specific statement showing the events and dates of the acts that constitute harassment toward the employer or any person who enters the employer's property or who is performing official work duties.

D. The filing fee for a petition that is filed pursuant to this section is established pursuant to sections 12-284, 22-281 and 22-404.

E. The court shall review the petition and any evidence offered by the employer to determine whether to issue the injunction without further

1 hearing. Rules 65(a)(1) and 65(e) of the Arizona rules of civil procedure
2 do not apply to injunctions requested pursuant to this section. If the
3 court finds reasonable evidence of workplace harassment by the defendant
4 or that good cause exists to believe that great or irreparable harm would
5 result to the employer or any other person who enters the employer's
6 property or who is performing official work duties or if the injunction is
7 not granted before the defendant or the defendant's attorney can be heard
8 in opposition and the court finds specific facts that attest to the
9 employer's efforts to give notice to the defendant or reasons supporting
10 the employer's claim that notice should not be given, the court shall
11 issue an injunction pursuant to subsection F of this section. If the
12 court denies the requested relief, the court may schedule a further
13 hearing within ten days with reasonable notice to the defendant.

14 F. If the court grants an injunction against workplace harassment,
15 the court may do any of the following:

16 1. Restrain the defendant from coming near the employer's property
17 or place of business and restrain the defendant from contacting the
18 employer or other person while that person is on or at the employer's
19 property or place of business or is performing official work duties.

20 2. Grant any other relief necessary for the protection of the
21 employer, the workplace, the employer's employees or any other person who
22 is on or at the employer's property or place of business or who is
23 performing official work duties.

24 G. If the court issues an ex parte injunction pursuant to this
25 section, the injunction shall state on its face that the defendant is
26 entitled to a hearing on written request and shall include the name and
27 address of the judicial office in which the request may be filed. At any
28 time during the period that the injunction is in effect, the defendant may
29 request a hearing. The court shall hold the hearing within ten days after
30 the date of the written request unless the court finds compelling reasons
31 to continue the hearing. The hearing shall be held at the earliest
32 possible time. After the hearing, the court may modify, quash or continue
33 the injunction.

34 H. An injunction against workplace harassment that is issued
35 pursuant to this section shall include the following statement:

36 Warning

37 This is an official court order. If you disobey this order,
38 you may be arrested and prosecuted for the crime of
39 interfering with judicial proceedings and any other crime you
40 may have committed in disobeying this order.

41 I. ~~A copy of the petition and the injunction shall be served on the~~
42 ~~defendant within one year from the date the injunction is signed. An~~
43 ~~injunction that is not served on the defendant within one year AFTER THE~~
44 ~~DATE THAT THE INJUNCTION IS ISSUED expires. The injunction is effective~~
45 ~~on the defendant on service of a copy of the injunction and petition and~~

1 expires one year after service on the defendant. A modified injunction is
2 effective on service and expires one year after service of the initial
3 injunction and petition.

4 J. A supplemental information form that is ~~utilized by the court or~~
5 ~~a law enforcement agency~~ USED solely for the purposes of service of
6 process on the defendant and that contains information provided by the
7 plaintiff is confidential.

8 K. Each affidavit, DECLARATION, acceptance or return of service
9 shall be filed ~~promptly~~ AS SOON AS PRACTICABLE BUT NOT LATER THAN
10 SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, with the clerk of the
11 issuing court OR AS OTHERWISE REQUIRED BY COURT RULE. The filing shall be
12 completed in person, ~~made~~ ELECTRONICALLY OR by fax ~~or postmarked, if sent~~
13 ~~by mail, no later than the end of the seventh court business day after the~~
14 ~~date of service. If the filing is made by fax, the original affidavit,~~
15 ~~acceptance or return of service shall be filed promptly with the~~
16 ~~court.~~ Within twenty-four hours after the affidavit, DECLARATION,
17 acceptance or return of service has been filed, excluding weekends and
18 holidays, the court that issued the injunction shall register a copy of
19 the injunction and a copy of the affidavit of service of process or
20 acceptance of service with the ~~sheriff's office of the county in which the~~
21 ~~employer is located~~ NATIONAL CRIME INFORMATION CENTER. THE SUPREME COURT
22 SHALL MAINTAIN A CENTRAL REPOSITORY FOR INJUNCTIONS SO THAT THE EXISTENCE
23 AND VALIDITY OF THE INJUNCTIONS CAN BE EASILY VERIFIED. THE EFFECTIVENESS
24 OF AN INJUNCTION DOES NOT DEPEND ON THE INJUNCTION'S REGISTRATION, AND FOR
25 ENFORCEMENT PURPOSES PURSUANT TO SECTION 13-2810, a copy of an injunction,
26 WHETHER OR NOT REGISTERED, is presumed to be a valid existing order of the
27 court for one year after the date on which the defendant was served. Any
28 changes or modifications to the injunction are effective on entry by the
29 court and shall be registered with the ~~sheriff~~ CLERK OF THE ISSUING COURT,
30 OR AS OTHERWISE REQUIRED BY COURT RULE, within twenty-four hours after the
31 entry, excluding weekends and holidays.

32 L. This section does not:

33 1. Expand, diminish, alter or modify the duty of an employer to
34 provide a safe workplace for its employees and other persons.

35 2. Permit a court to issue a temporary restraining order or
36 injunction that prohibits speech or other activities that are
37 constitutionally protected or otherwise protected by law, including
38 actions involving organized labor disputes that do not involve unlawful
39 picketing, trespassory assembly, unlawful mass assembly, concerted
40 interference with lawful exercise of business activity and engaging in a
41 secondary boycott as defined in section 23-1321, defamation in violation
42 of section 23-1325 or any actual or threatened misrepresentation, fraud,
43 duress, violence or breach of the peace.

44 3. Preclude either party from being represented by private counsel
45 or appearing on the party's own behalf.

1 M. When the employer has knowledge that a specific person or
2 persons are the target of harassment as defined by this section, the
3 employer shall make a good faith effort to provide notice to the person or
4 persons that the employer intends to petition the court for an injunction
5 against workplace harassment.

6 N. Whether or not a violation occurs in the presence of a peace
7 officer, a peace officer, with or without a warrant, may arrest a person
8 if the peace officer has probable cause to believe that the person has
9 violated section 13-2810 by disobeying or resisting an injunction that was
10 issued pursuant to this section. The release provisions under section
11 13-3903 do not apply to an arrest made pursuant to this subsection. A
12 person who is arrested pursuant to this subsection may be released from
13 custody pursuant to the Arizona rules of criminal procedure or any
14 applicable statute. The court shall include in an order for release any
15 pretrial release conditions that the court deems appropriate.

16 O. The remedies under this section for the enforcement of
17 protection orders are in addition to any other civil and criminal remedies
18 that are available. The municipal court and the justice court may hear
19 and decide all matters arising pursuant to this section. On notice to the
20 affected party and after a hearing, the court may enter an order that
21 requires any party to pay the costs of the action, including reasonable
22 attorney fees. A party may appeal an order entered by a justice court or
23 municipal court pursuant to section 22-261 or 22-425 and the superior
24 court rules of civil appellate procedure without regard to an amount in
25 controversy.

26 P. A peace officer who makes an arrest pursuant to this section is
27 immune from civil or criminal liability if the officer acts on probable
28 cause.

29 Q. An employer is immune from civil liability for seeking or
30 failing to seek an injunction under this section unless the employer is
31 seeking an injunction primarily to accomplish a purpose for which the
32 injunction was not designed. Any action or statement by an employer under
33 this section shall not be deemed an admission by the employer of any
34 fact. An action or statement by an employer under this section may be
35 used for impeachment purposes.

36 R. In addition to the persons who are authorized to serve process
37 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer
38 may serve an injunction against workplace harassment pursuant to this
39 section.

40 S. For the purposes of this section:

41 1. "Employer" means an individual, partnership, association or
42 corporation or a person or group of persons who act, directly or
43 indirectly, on behalf of or in the interest of an employer and with the
44 consent of the employer. Employer includes this state, a political

1 subdivision of this state and any school district or other special
2 district.

3 2. "Harassment" means a single threat or act of physical harm or
4 damage or a series of acts over any period of time that would cause a
5 reasonable person to be seriously alarmed or annoyed and includes unlawful
6 picketing, trespassory assembly, unlawful mass assembly, concerted
7 interference with lawful exercise of business activity and engaging in a
8 secondary boycott as defined in section 23-1321 and defamation in
9 violation of section 23-1325.

10 Sec. 4. Section 13-3602, Arizona Revised Statutes, is amended to
11 read:

12 13-3602. Order of protection; procedure; contents; arrest for
13 violation; penalty; protection order from another
14 jurisdiction; definition

15 A. A person may file a verified petition, as in civil actions, with
16 a magistrate, justice of the peace or superior court judge for an order of
17 protection for the purpose of restraining a person from committing an act
18 included in domestic violence. If the person is a minor, the parent,
19 legal guardian or person who has legal custody of the minor shall file the
20 petition unless the court determines otherwise. The petition shall name
21 the parent, guardian or custodian as the plaintiff and the minor is a
22 specifically designated person for the purposes of subsection G of this
23 section. If a person is either temporarily or permanently unable to
24 request an order, a third party may request an order of protection on
25 behalf of the plaintiff. After the request, the judicial officer shall
26 determine if the third party is an appropriate requesting party for the
27 plaintiff. For the purposes of this section, notwithstanding the location
28 of the plaintiff or defendant, any court in this state may issue or
29 enforce an order of protection.

30 B. An order of protection shall not be granted:

31 1. Unless the party who requests the order files a written verified
32 petition for an order.

33 2. Against a person who is less than twelve years of age unless the
34 order is granted by the juvenile division of the superior court.

35 3. Against more than one defendant.

36 C. The petition shall state the:

37 1. Name of the plaintiff. The plaintiff's address AND CONTACT
38 INFORMATION shall be disclosed to the court for purposes of service AND
39 NOTIFICATION. ~~If the address of the plaintiff is unknown to the~~
40 ~~defendant, the plaintiff may request that the address be protected. On~~
41 ~~the plaintiff's request, The address AND CONTACT INFORMATION shall not be~~
42 ~~listed on the petition. Whether OR NOT the court issues an order of~~
43 ~~protection, the protected PLAINTIFF'S address AND CONTACT INFORMATION~~
44 shall be maintained in a separate document or automated database and is

1 not subject to release or disclosure by the court or any form of public
2 access except as ordered by the court.

3 2. Name and address, if known, of the defendant.

4 3. Specific statement, including dates, of the domestic violence
5 alleged.

6 4. Relationship between the parties pursuant to section 13-3601,
7 subsection A and whether there is pending between the parties an action
8 for maternity or paternity, annulment, legal separation or dissolution of
9 marriage.

10 5. Name of the court in which any prior or pending proceeding or
11 order was sought or issued concerning the conduct that is sought to be
12 restrained.

13 6. Desired relief.

14 D. A fee shall not be charged for filing a petition under this
15 section or for service of process. ~~On request of the plaintiff, each~~
16 ~~order of protection that is issued by a municipal court shall be served by~~
17 ~~the police agency for that city if the defendant can be served within the~~
18 ~~city. If the defendant cannot be served within the city, the police~~
19 ~~agency in the city in which the defendant can be served shall serve the~~
20 ~~order. If the order cannot be served within a city, the sheriff shall~~
21 ~~serve the order. On request of the plaintiff, each order of protection~~
22 ~~that is issued by a justice of the peace shall be served by the constable~~
23 ~~or sheriff for that jurisdiction if the defendant can be served within the~~
24 ~~jurisdiction. If the defendant cannot be served within that jurisdiction,~~
25 ~~the constable or sheriff in the jurisdiction in which the defendant can be~~
26 ~~served shall serve the order. On request of the plaintiff, each order of~~
27 ~~protection that is issued by a superior court judge or commissioner shall~~
28 ~~be served by the sheriff of the county. If the defendant cannot be served~~
29 ~~within that jurisdiction, the sheriff in the jurisdiction in which the~~
30 ~~defendant can be served shall serve the order. Each court shall provide,~~
31 ~~without charge, forms for purposes of this section for assisting parties~~
32 ~~without counsel. The court shall make reasonable efforts to provide THE~~
33 ~~APPROPRIATE INFORMATION to both parties an appropriate information sheet~~
34 ~~on emergency and counseling services that are available in the local area.~~

35 E. The court shall review the petition, any other pleadings on file
36 and any evidence offered by the plaintiff, including any evidence of
37 harassment by electronic contact or communication, to determine whether
38 the orders requested should issue without further hearing. The court
39 shall issue an order of protection under subsection G of this section if
40 the court determines that there is reasonable cause to believe any of the
41 following:

42 1. The defendant may commit an act of domestic violence.

43 2. The defendant has committed an act of domestic violence within
44 the past year or within a longer period of time if the court finds that
45 good cause exists to consider a longer period.

1 F. For the purposes of determining the period of time under
2 subsection E, paragraph 2 of this section, any time that the defendant has
3 been incarcerated or out of this state shall not be counted. If the court
4 denies the requested relief, it may schedule a further hearing within ten
5 days, with reasonable notice to the defendant.

6 G. If a court issues an order of protection, the court may do any
7 of the following:

8 1. Enjoin the defendant from committing a violation of one or more
9 of the offenses included in domestic violence.

10 2. Grant one party the use and exclusive possession of the parties'
11 residence on a showing that there is reasonable cause to believe that
12 physical harm may otherwise result. If the other party is accompanied by
13 a law enforcement officer, the other party may return to the residence on
14 one occasion to retrieve belongings. A law enforcement officer is not
15 liable for any act or omission in the good faith exercise of the officer's
16 duties under this paragraph.

17 3. Restrain the defendant from contacting the plaintiff or other
18 specifically designated persons and from coming near the residence, place
19 of employment or school of the plaintiff or other specifically designated
20 locations or persons on a showing that there is reasonable cause to
21 believe that physical harm may otherwise result.

22 4. If the court finds that the defendant is a credible threat to
23 the physical safety of the plaintiff or other specifically designated
24 persons, prohibit the defendant from possessing or purchasing a firearm
25 for the duration of the order. If the court prohibits the defendant from
26 possessing a firearm, the court shall also order the defendant to transfer
27 any firearm owned or possessed by the defendant immediately after service
28 of the order to the appropriate law enforcement agency for the duration of
29 the order. If the defendant does not immediately transfer the firearm,
30 the defendant shall transfer the firearm within twenty-four hours after
31 service of the order.

32 5. If the order was issued after notice and a hearing at which the
33 defendant had an opportunity to participate, require the defendant to
34 complete a domestic violence offender treatment program that is provided
35 by a facility approved by the department of health services or a probation
36 department or any other program deemed appropriate by the court.

37 6. Grant relief that is necessary for the protection of the alleged
38 victim and other specifically designated persons and that is proper under
39 the circumstances.

40 7. Grant the ~~petitioner~~ PLAINTIFF the exclusive care, custody or
41 control of any animal that is owned, possessed, leased, kept or held by
42 the ~~petitioner~~ PLAINTIFF, the ~~respondent~~ DEFENDANT or a minor child
43 residing in the residence or household of the ~~petitioner~~ PLAINTIFF or the
44 ~~respondent~~ DEFENDANT, and order the ~~respondent~~ DEFENDANT to stay away from
45 the animal and forbid the ~~respondent~~ DEFENDANT from taking, transferring,

1 encumbering, concealing, committing an act of cruelty or neglect in
2 violation of section 13-2910 or otherwise disposing of the animal.

3 H. The court shall not grant a mutual order of protection. If
4 opposing parties separately file verified petitions for an order of
5 protection, the courts after consultation between the judges involved may
6 consolidate the petitions of the opposing parties for hearing. This does
7 not prohibit a court from issuing cross orders of protection.

8 I. AFTER GRANTING AN ORDER OF PROTECTION, THE COURT SHALL PROVIDE
9 THE ORDER TO A LAW ENFORCEMENT AGENCY OR A CONSTABLE AS SET FORTH IN
10 SUBSECTION J OF THIS SECTION FOR SERVICE OR TO AN ENTITY THAT IS
11 AUTHORIZED TO SERVE PROCESS IN SUBSECTION K OF THIS SECTION. THE AGENCY
12 OR ENTITY SERVING THE ORDER SHALL PROVIDE CONFIRMATION OF SERVICE TO THE
13 PLAINTIFF AS SOON AS PRACTICABLE. IF SERVICE OF AN ORDER CANNOT BE
14 COMPLETED WITHIN FIFTEEN DAYS AFTER THE AGENCY OR ENTITY RECEIVES THE
15 ORDER, THE AGENCY OR ENTITY THAT IS ATTEMPTING SERVICE SHALL NOTIFY THE
16 PLAINTIFF AND CONTINUE TO ATTEMPT SERVICE. THIS NOTIFICATION MAY BE
17 COMPLETED BY A VICTIM NOTIFICATION SYSTEM, IF AVAILABLE.

18 J. IF THE ORDER OF PROTECTION IS PROVIDED TO A LAW ENFORCEMENT
19 AGENCY OR A CONSTABLE, SERVICE OF AN ORDER OF PROTECTION IS AS FOLLOWS:

20 1. FOR EACH ORDER OF PROTECTION THAT IS ISSUED BY A MUNICIPAL
21 COURT, IF THE DEFENDANT CAN BE SERVED WITHIN THAT CITY OR TOWN, THE ORDER
22 SHALL BE SERVED BY THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF
23 THE ORDER CAN BE SERVED IN ANOTHER CITY OR TOWN, THE ORDER SHALL BE SERVED
24 BY THE LAW ENFORCEMENT AGENCY OF THAT CITY OR TOWN. IF THE ORDER CANNOT
25 BE SERVED WITHIN A CITY OR TOWN, THE ORDER SHALL BE SERVED BY THE SHERIFF
26 OR CONSTABLE OF THE COUNTY IN WHICH THE DEFENDANT CAN BE SERVED.

27 2. FOR EACH ORDER OF PROTECTION THAT IS ISSUED BY A JUSTICE OF THE
28 PEACE, THE ORDER OF PROTECTION SHALL BE SERVED BY THE SHERIFF OR CONSTABLE
29 OF THE COUNTY IN WHICH THE DEFENDANT CAN BE SERVED OR BY A MUNICIPAL LAW
30 ENFORCEMENT AGENCY.

31 3. FOR EACH ORDER OF PROTECTION THAT IS ISSUED BY A SUPERIOR COURT
32 JUDGE OR COMMISSIONER, THE ORDER OF PROTECTION SHALL BY SERVED BY THE
33 SHERIFF OR CONSTABLE OF THE COUNTY WHERE THE DEFENDANT CAN BE SERVED.

34 K. IN ADDITION TO PERSONS AUTHORIZED TO SERVE PROCESS PURSUANT TO
35 RULE 4(d) OF THE ARIZONA RULES OF CIVIL PROCEDURE, A PEACE OFFICER OR A
36 CORRECTIONAL OFFICER AS DEFINED IN SECTION 41-1661 WHO IS ACTING IN THE
37 OFFICER'S OFFICIAL CAPACITY MAY SERVE AN ORDER OF PROTECTION THAT IS
38 ISSUED PURSUANT TO THIS SECTION. SERVICE OF THE ORDER OF PROTECTION HAS
39 PRIORITY OVER OTHER SERVICE OF PROCESS THAT DOES NOT INVOLVE AN IMMEDIATE
40 THREAT TO THE SAFETY OF A PERSON.

41 ~~F.~~ L. At any time during the period during which the order is in
42 effect, a party who is under an order of protection or who is restrained
43 from contacting the other party is entitled to one hearing on written
44 request. No fee may be charged for requesting a hearing. A hearing that
45 is requested by a party who is under an order of protection or who is

1 restrained from contacting the other party shall be held within ten days
2 from the date requested unless the court finds good cause to continue the
3 hearing. If exclusive use of the home is awarded, the hearing shall be
4 held within five days from the date requested. The hearing shall be held
5 at the earliest possible time. An ex parte order that is issued under
6 this section shall state on its face that the defendant is entitled to a
7 hearing on written request and shall include the name and address of the
8 judicial office where the request may be filed. After the hearing, the
9 court may modify, quash or continue the order.

10 ~~J.~~ M. The order shall include the following statement:

11 Warning

12 This is an official court order. If you disobey this
13 order, you will be subject to arrest and prosecution for the
14 crime of interfering with judicial proceedings and any other
15 crime you may have committed in disobeying this order.

16 ~~K. N. A copy of the petition and the order shall be served on the~~
17 ~~defendant within one year from the date the order is signed. An order of~~
18 ~~protection that is not served on the defendant within one year AFTER THE~~
19 ~~DATE THAT THE ORDER IS ISSUED expires. An order is effective on the~~
20 ~~defendant on service of a copy of the order and petition. An order~~
21 ~~expires one year after service on the defendant. A modified order is~~
22 ~~effective on service and expires one year after service of the initial~~
23 ~~order and petition.~~

24 ~~L. O. A supplemental information form that is utilized USED by the~~
25 ~~court or a law enforcement agency solely for the purposes of service of~~
26 ~~process on the defendant and that contains information provided by the~~
27 ~~plaintiff is confidential.~~

28 ~~M. P. Each affidavit, DECLARATION, acceptance or return of service~~
29 ~~shall be promptly filed AS SOON AS PRACTICABLE BUT NOT LATER THAN~~
30 ~~SEVENTY-TWO HOURS, EXCLUDING WEEKENDS AND HOLIDAYS, with the clerk of the~~
31 ~~issuing court OR AS OTHERWISE REQUIRED BY COURT RULE. This filing shall~~
32 ~~be completed in person, shall be made ELECTRONICALLY OR by fax or shall be~~
33 ~~postmarked, if sent by mail, no later than the end of the seventh court~~
34 ~~business day after the date of service. If the filing is made by fax, the~~
35 ~~original affidavit, acceptance or return of service shall be promptly~~
36 ~~filed with the court. Within twenty-four hours after the affidavit,~~
37 ~~DECLARATION, acceptance or return of service has been filed, excluding~~
38 ~~weekends and holidays, the court from which the order or any modified~~
39 ~~order was issued shall forward to the sheriff of the county in which the~~
40 ~~court is located a copy of the order of protection and a copy of the~~
41 ~~affidavit or certificate of service of process or acceptance of service.~~
42 ~~On receiving these copies, the sheriff shall register the order WITH THE~~
43 ~~NATIONAL CRIME INFORMATION CENTER. Registration of an order means that a~~
44 ~~copy of the order of protection and a copy of the affidavit or acceptance~~
45 ~~of service have been received by the sheriff's office. The sheriff~~

1 SUPREME COURT shall maintain a central repository for orders of protection
2 so that the existence and validity of the orders can be easily verified.
3 The effectiveness of an order does not depend on its registration, and for
4 enforcement purposes pursuant to section 13-2810, a copy of an order of
5 the court, whether or not registered, is presumed to be a valid existing
6 order of the court for a period of one year from the date of service of
7 the order on the defendant.

8 ~~N.~~ Q. A peace officer, with or without a warrant, may arrest a
9 person if the peace officer has probable cause to believe that the person
10 has violated section 13-2810 by disobeying or resisting an order that is
11 issued in any jurisdiction in this state pursuant to this section, whether
12 or not such violation occurred in the presence of the officer. Criminal
13 violations of an order issued pursuant to this section shall be referred
14 to an appropriate law enforcement agency. ~~The law enforcement agency~~
15 ~~shall request that a prosecutorial agency file the appropriate charges. A~~
16 ~~violation of an order of protection shall not be adjudicated by a~~
17 ~~municipal or justice court unless a complaint has been filed or other~~
18 ~~legal process has been requested by the prosecuting agency. The~~
19 ~~provisions for release under section 13-3883, subsection A, paragraph 4~~
20 ~~and section 13-3903 do not apply to an arrest made pursuant to this~~
21 ~~section. For the purposes of this section, any court in this state has~~
22 ~~jurisdiction to enforce a valid order of protection that is issued in this~~
23 ~~state and that has been violated in any jurisdiction in this state.~~

24 ~~O.~~ R. A person who is arrested pursuant to subsection ~~M~~ Q of this
25 section may be released from custody in accordance with the Arizona rules
26 of criminal procedure or any other applicable statute. An order for
27 release, with or without an appearance bond, shall include pretrial
28 release conditions that are necessary to provide for the protection of the
29 alleged victim and other specifically designated persons and may provide
30 for any other additional conditions that the court deems appropriate,
31 including participation in any counseling programs available to the
32 defendant. The agency with custody of the defendant shall make reasonable
33 efforts to contact the victim and other specifically designated persons in
34 the order of protection, if known to the custodial agency, who requested
35 notification immediately on release of the arrested person from custody.

36 ~~P.~~ S. The remedies provided in this section for enforcement of the
37 orders of the court are in addition to any other civil and criminal
38 remedies available. The superior court shall have exclusive jurisdiction
39 to issue orders of protection in all cases if it appears from the petition
40 that an action for maternity or paternity, annulment, legal separation or
41 dissolution of marriage is pending between the parties. A municipal court
42 or justice court shall not issue an order of protection if it appears from
43 the petition that an action for maternity or paternity, annulment, legal
44 separation or dissolution of marriage is pending between the
45 parties. After issuance of an order of protection, if the municipal court

1 or justice court determines that an action for maternity or paternity,
 2 annulment, legal separation or dissolution of marriage is pending between
 3 the parties, the municipal court or justice court shall stop further
 4 proceedings in the action and forward all papers, together with a
 5 certified copy of docket entries or any other record in the action, to the
 6 superior court where they shall be docketed in the pending superior court
 7 action and shall proceed as though the petition for an order of protection
 8 had been originally brought in the superior court. Notwithstanding any
 9 other law and unless prohibited by an order of the superior court, a
 10 municipal court or justice court may hold a hearing on all matters
 11 relating to its ex parte order of protection if the hearing was requested
 12 before receiving written notice of the pending superior court action. No
 13 order of protection shall be invalid or determined to be ineffective
 14 merely because it was issued by a lower court at a time when an action for
 15 maternity or paternity, annulment, legal separation or dissolution of
 16 marriage was pending in a higher court. After a hearing with notice to
 17 the affected party, the court may enter an order requiring any party to
 18 pay the costs of the action, including reasonable attorney fees, if
 19 any. An order that is entered by a justice court or municipal court after
 20 a hearing pursuant to this section may be appealed to the superior court
 21 as provided in title 22, chapter 2, article 4, section 22-425, subsection
 22 B and the superior court rules of civil appellate procedure without regard
 23 to an amount in controversy. No fee may be charged to either party for
 24 filing an appeal. For the purposes of this subsection, "pending" means,
 25 with respect to an action for annulment, legal separation or dissolution
 26 of marriage or for maternity or paternity, either that:

27 1. An action has been commenced but a final judgment, decree or
 28 order has not been entered.

29 2. A post-decree proceeding has been commenced but a judgment,
 30 decree or order finally determining the proceeding has not been entered.

31 ~~T.~~ T. A peace officer who makes an arrest pursuant to this section
 32 or section 13-3601 is not civilly or criminally liable for the arrest if
 33 the officer acts on probable cause and without malice.

34 ~~R. In addition to persons authorized to serve process pursuant to~~
 35 ~~rule 4(d) of the Arizona rules of civil procedure, a peace officer or a~~
 36 ~~correctional officer as defined in section 41-1661 who is acting in the~~
 37 ~~officer's official capacity may serve an order of protection that is~~
 38 ~~issued pursuant to this section. Service of the order of protection has~~
 39 ~~priority over other service of process that does not involve an immediate~~
 40 ~~threat to the safety of a person.~~

41 ~~S.~~ U. A valid protection order that is related to domestic or
 42 family violence and that is issued by a court in another state, a court of
 43 a United States territory or a tribal court shall be accorded full faith
 44 and credit and shall be enforced as if it were issued in this state for as

1 long as the order is effective in the issuing jurisdiction. For the
2 purposes of this subsection:

3 1. A protection order includes any injunction or other order that
4 is issued for the purpose of preventing violent or threatening acts or
5 harassment against, contact or communication with or physical proximity to
6 another person. A protection order includes temporary and final orders
7 other than support or child custody orders that are issued by civil and
8 criminal courts if the order is obtained by the filing of an independent
9 action or is a pendente lite order in another proceeding. The civil order
10 shall be issued in response to a complaint, petition or motion that was
11 filed by or on behalf of a person seeking protection.

12 2. A protection order is valid if the issuing court had
13 jurisdiction over the parties and the matter under the laws of the issuing
14 state, a United States territory or an Indian tribe and the person against
15 whom the order was issued had reasonable notice and an opportunity to be
16 heard. If the order is issued ex parte, the notice and opportunity to be
17 heard shall be provided within the time required by the laws of the
18 issuing state, a United States territory or an Indian tribe and within a
19 reasonable time after the order was issued.

20 3. A mutual protection order that is issued against both the party
21 who filed a petition or a complaint or otherwise filed a written pleading
22 for protection against abuse and the person against whom the filing was
23 made is not entitled to full faith and credit if either:

24 (a) The person against whom an initial order was sought has not
25 filed a cross or counter petition or other written pleading seeking a
26 protection order.

27 (b) The issuing court failed to make specific findings supporting
28 the entitlement of both parties to be granted a protection order.

29 4. A peace officer may presume the validity of and rely on a copy
30 of a protection order that is issued by another state, a United States
31 territory or an Indian tribe if the order was given to the officer by any
32 source. A peace officer may also rely on the statement of any person who
33 is protected by the order that the order remains in effect. A peace
34 officer who acts in good faith reliance on a protection order is not
35 civilly or criminally liable for enforcing the protection order pursuant
36 to this section.

37 V. FOR THE PURPOSES OF THIS SECTION, "VICTIM NOTIFICATION SYSTEM"
38 MEANS AN AUTOMATED SYSTEM THAT MAY PROVIDE PLAINTIFFS AND CRIME VICTIMS
39 WITH AN AUTOMATED NOTIFICATION REGARDING THE PERSON'S CASE.

40 Sec. 5. Section 13-3624, Arizona Revised Statutes, is amended to
41 read:

42 13-3624. Emergency orders of protection

43 A. In counties with a population of one hundred fifty thousand
44 persons or more ~~according to the most recent United States decennial~~
45 ~~census~~, the presiding judge of the superior court, during the hours that

1 the courts are closed, shall make available on a rotating basis a judge,
2 justice of the peace, magistrate or commissioner who shall issue emergency
3 orders of protection by telephone.

4 B. In counties with a population of less than one hundred fifty
5 thousand persons ~~according to the most recent United States decennial~~
6 ~~census~~, a judge, justice of the peace, magistrate or commissioner may
7 issue an emergency order by telephone. The court, within twenty-four
8 hours after a defendant is arrested for an act of domestic violence, shall
9 register a certified copy of the release order with the sheriff's office
10 of the county in which the order was issued. The court shall notify the
11 sheriff's office of material changes in the release order, if the
12 conditions of the release order are no longer in effect and when the
13 charges are resolved. The sheriff in each county shall maintain a central
14 repository for release orders so that the existence and validity of the
15 orders can be easily verified. The law enforcement agency shall advise
16 domestic violence victims where the victim may verify the registration and
17 conditions of a release order.

18 C. The judge, justice of the peace, magistrate or commissioner who
19 is authorized to issue emergency orders of protection may issue a written
20 or oral ex parte emergency order of protection if a peace officer states
21 that the officer has reasonable grounds to believe that a person is in
22 immediate and present danger of domestic violence based on an allegation
23 of a recent incident of actual domestic violence PURSUANT TO SECTION
24 13-3601, SUBSECTION A.

25 D. An emergency order of protection may include any of the
26 following:

27 1. The defendant may be enjoined from committing a violation of one
28 or more of the offenses included in domestic violence.

29 2. One party may be granted the use and exclusive possession of the
30 parties' residence on a showing that there is reasonable cause to believe
31 that physical harm may otherwise result.

32 3. The defendant may be restrained from contacting the
33 plaintiff, AND coming near the residence, place of employment or school
34 of the plaintiff or other specifically designated locations or persons on
35 a showing that there is reasonable cause to believe that physical harm may
36 otherwise result.

37 4. If the court finds that the defendant may inflict bodily injury
38 or death on the plaintiff, the defendant may be prohibited from possessing
39 or purchasing a firearm for the duration of the order.

40 E. An emergency order of protection expires at the close of the
41 next day of judicial business following the day of issue OR SEVENTY-TWO
42 HOURS AFTER ISSUANCE, WHICHEVER IS LONGER, unless otherwise continued by
43 the court.

44 F. A judge, justice of the peace, magistrate or commissioner may
45 issue an oral emergency order of protection pursuant to subsection C of

1 this section ~~upon~~ ON request of the alleged victim, if there is a finding
2 that a person's life or health is in imminent danger. If a person is
3 either temporarily or permanently unable to request an order, a third
4 party may request an order of protection on behalf of the
5 plaintiff. After the request, the judicial officer shall determine if the
6 third party is an appropriate requesting party for the plaintiff. THE
7 JUDICIAL OFFICER WHO ISSUES AN ORAL EMERGENCY ORDER OF PROTECTION SHALL
8 DOCUMENT THE ISSUANCE OF THE ORDER AS SOON AS PRACTICABLE. The officer
9 who receives the verbal order shall write and sign the order. The
10 emergency order shall be served on the ~~respondent~~ DEFENDANT, and a copy
11 shall be given to the protected party. The emergency order shall be filed
12 as soon as practicable after its issuance. The ~~officer~~ LAW ENFORCEMENT
13 AGENCY shall file a certificate of service with the court and shall
14 ~~verbally notify the sheriff's office that the emergency order of~~
15 ~~protection has been issued~~ REGISTER THE EMERGENCY ORDER WITH THE NATIONAL
16 CRIME INFORMATION CENTER AS SOON AS PRACTICABLE. If a person who is named
17 in the order and who has not received personal service of the order but
18 has received actual notice of the existence and substance of the order
19 commits an act that violates the order, the person is subject to any
20 penalty for the violation.

21 G. The availability of an emergency order of protection is not
22 affected by either party leaving the residence.

23 H. A law enforcement agency that has jurisdiction to enforce an
24 emergency order of protection shall enforce the emergency order when it
25 has reasonable cause to believe that the order has been violated.

26 I. Failure of a law enforcement agency to enforce an emergency
27 order of protection pursuant to this section does not give rise to civil
28 liability except pursuant to section 12-820.02.

29 Sec. 6. Effective date

30 This act is effective from and after December 31, 2019.

APPROVED BY THE GOVERNOR APRIL 17, 2018

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2018

Passed the House February 15, 2018

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 29, 2018

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2249

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 11, 2018,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

Jim Drake
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

11th day of April, 2018

at 1:37 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 17th day of

April, 2018,

at 10:02 o'clock A. M.

Douglas R. Ducey
Governor of Arizona

H.B. 2249

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 17 day of April, 2018,

at 5:21 o'clock P. M.

Michael Reagan
Secretary of State